

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** The Department of Veterans Affairs, NCO6, and the Salisbury VA Medical Center intends to execute a Justification for Other than Full and Open Competition for purchase request 659-15-3-930-0186.
2. **Nature and/or Description of the Action Being Processed:** This is a request for other than full and open competition for the procurement of brand name only ERBE Argon Plasma Coagulators. ERBE has one small business distributor named ProAim Americas, LLC (DUNS: 962568338).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The requirement is to purchase nine (9) Argon Plasma Coagulators (APCs), brand name ERBE, model APC2. Medicine service has a need for additional APCs for the endoscopy rooms at the Kernersville HCC and Charlotte HCC locations of Salisbury VAMC. The independent government estimate is **\$(redacted)**.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - (4) International Agreement per FAR 6.302-4
 - (5) Authorized or Required by Statute FAR 6.302-5;
 - (6) National Security per FAR 6.302-6;
 - (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above:** The requested ERBE APCs are additional equipment to a department wide inventory of APCs. The current inventory of ERBE APCs was procured under POs: 659-A01046, 659-A20594, and 659-A30193. Brand name only is being requested in order to standardize with existing equipment. The use of identical equipment in all endoscopy rooms decreases the possibility of human error, thereby increasing patient safety. Each brand contains a unique interface and different outputs associated with their settings. Each brand has differences in the number of settings, as well as the function and nomenclature of the settings.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** A sources sought was posted to FBO.gov on 7 July 15 to identify all available products, manufacturers and resellers. Five manufacturers of APCs and five (5) distributors were identified during the sources sought. The Government's requirement for identical equipment

precludes all but one manufacturer, ERBE. ProAim Americas is the only distributor of ERBE products to the Government.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The Contracting Officer has obtained information on historical prices paid and price lists for competing products. The current list price of the brand name product is considered fair and reasonable in accordance with FAR 15.404-1(b)(2)(ii) and (iv).
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** A sources sought was posted to FBO.gov on 7 July 15 to identify all available products, manufacturers and resellers. Manufacturer and reseller websites, GSA eLibrary, as well as the System for Award Management were also used.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** Businesses that responded to the sources sought included Veterans Healthcare Supply Solutions (VHSS), PHS West, Medtronic, ConMed Corporation, Electra-Med Corporation and ProAim Americas, LLC.
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** The Agency will continue to monitor the market.
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

//signed//

SIGNATURE
[REDACTED]
NAME
Salisbury VAMC
FACILITY

Administrative Officer
TITLE

DATE
Medicine Service
SERVICE LINE/SECTION

13. APPROVALS IN ACCORDANCE WITH THE [VHAPM, Volume 6, Chapter VI: OFOC SOP](#):

a. CONTRACTING OFFICER'S CERTIFICATION (required): I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

//signed//
DANIEL SPAULDING (CONTRACTOR)
Contract Specialist

DATE

//signed//
AUDREY C. WOOTEN
Contracting Officer
Branch Chief, Commodities Team II

DATE